

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue

Building 70 – 2nd Floor Conference Room

Cranston, RI

401.462.8538

Wednesday, August 2, 2006

9:00 am

In attendance: Stanley Davies

Michael Carreiro

Kenneth Aurecchia

Ronald Cronin

Quinlan T. Regan

Peter Lombardi

Bobby Joe Harris

Board members Chester Stewart, John Webster, and Michael Januario are not in attendance for today's meeting.

There is a quorum – Mr. Davies called the meeting to order at 9:15 am.

There are ten (10) hearings scheduled for today for which there is a

board stenographer.

Hearings:

1. Preferred Mechanical Systems – Violation #2787

The first hearing today is with regard to Preferred Mechanical Systems. Mr. John Meade, General Manager and Principal of Preferred Mechanical Systems, RIDLT Investigators Edward Whittaker, Charles Wright and Glenn Dusablon are present today to provide testimony and are sworn in by the board stenographer.

Mr. Whitaker read the violation: On May 25, 2006, Mr. Glenn Dusablon, RIDLT Investigator, did witness an employee (Mr. Joe Flynn, 207 Keith Avenue, Brockton, MA) of Preferred Mechanical Systems installing refrigerant tubing in North Smithfield, RI without a valid RI mechanical license. This is a violation of RIGL 28-27-28 "Practices for which a license is required". Also, Preferred Mechanical Systems Inc., is not licensed as a mechanical contractor in the State of Rhode Island. This is a violation of RIGL 28-27-5(a) "Practices for which a master or contractor license is required". Further, no permit was issued by the Town of North Smithfield. This is violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Mr. Carreiro made a motion based on the testimony provided today,

that Preferred Mechanical Systems did violate RIGL 28-27-28 "Practices for which a license is required" and RIGL 28-27-20 "State and municipal inspections and installation permits". Mr. Cronin seconded the motion. All members voted in favor. Mr. Carreiro then made a motion to uphold the fine in the amount of \$1,500.00 per RIGL 28-27-24. Mr. Harris seconded the motion. All members voted in favor.

2. Ryan McShane – Violation # 2685

The next appeal today is with regard to Ryan McShane. Mr. McShane and Mr. Donald Snell, Town of Tiverton Plumbing & Mechanical Inspector are present today to provide testimony and are sworn in by the board stenographer.

Mr. Whittaker read the violation: On March 27, 2006, a complaint was received by Mr. Donald Snell, Town of Tiverton Plumbing & Mechanical Inspector that Mr. Ryan C. McShane contracted to install a heating system in Tiverton, RI without a valid RI mechanical license.

This is a violation of RIGL 28-27-28 "Practices for which a license is required". Further, Mr. McShane fraudently obtained a permit from the Town of Tiverton. This is a violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Mr. Carreiro made a motion based on the testimony provided today, that Mr. Ryan McShane did violate RIGL 28-27-28 "Practices for which

a license is required" and RIGL 28-27-20 "State and municipal inspections and installation permits". Mr. Harris seconded the motion. All members voted in favor. Mr. Carreiro then made a motion to uphold the fine in the amount of \$1,000.00 per RIGL 28-27-24. Mr. Harris seconded the motion. All members voted in favor.

3. American Gunite Pools – Violation #2770

The next hearing today is with regard to American Gunite Pools. Mr. Alfred L. Penacho, Jr., is present today to provide testimony and is sworn in by the board stenographer.

Mr. Whittaker read the violation: On May 22, 2006, RIDLT Investigator Charles Wright did find that Mr. Alfred Penacho of American Gunite Pools did contract and install a gas fired boiler in Middletown, RI without a valid RI mechanical license. This is a violation of RIGL 28-27-28 "Practices for which a license is required" (2 Violations). Further, no permit was issued by the Town of Middletown. This is a violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Mr. Aurecchia made a motion based on the testimony provided today, that American Gunite Pools, Inc., did violate RIGL 28-27-28 "Practices for which a license is required" and RIGL 28-27-20 "State and municipal inspections and installation permits". Mr. Carreiro

seconded the motion. All members voted in favor. Mr. Carreiro then made a motion to uphold the fine in the amount of \$1,500.00 per RIGL 28-27-24. Mr. Harris seconded the motion. All members voted in favor.

4. Comfort Zone – Violation # 2746

The next hearing today is with regard to Comfort Zone, Inc. Mr. Dennis M. Pelletier is present today to provide testimony and is sworn in by the board stenographer.

Mr. Whittaker read the violation: On May 8, 2006, RIDLT Investigator Mr. Charles Wright did find three (3) employees of Comfort Zone, Inc., installing warm air ducting in Westerly, RI without valid RI mechanical licenses. This is a violation of RIGL 28-27-28 "Practices for which a license is required" (3 Violations).

Mr. Carreiro made a motion based on the testimony provided today, that Comfort Zone, Inc., did violate RIGL 28-27-28 "Practices for which a license is required". Mr. Regan seconded the motion. All members voted in favor. Mr. Carreiro then made a motion to uphold the fine in the amount of \$1,500.00 per RIGL 28-27-24. Mr. Regan seconded the motion. All members voted in favor.

5. Pevco Systems – Violation # 2786

The next hearing today is with regard to Pevco Systems. Mr. Wright informed the board that a request has been made and approved to postpone this hearing to the September meeting.

6. Architectural Fireplaces of New England – Violation # 2688

The next hearing today is with regard to Architectural Fireplaces of New England. There is no one present from Architectural Fireplaces today. Mr. Wright stated that all proper notices were sent both regular and certified mail informing the company of this hearing. Mr. Robert Gaj, RIDLT Investigator is present today to provide testimony and is sworn in by the board stenographer. Mr. Davies proceeded with the hearing.

Mr. Whittaker read the violation: On March 24, 2006, RI DLT Investigator Robert Gaj did find three (3) employees of Architectural Fireplaces of New England installing fireplaces in Portsmouth, RI without valid RI Mechanical licenses. This is violation of RIGL 28-27-28 "Practices for which a license is required" (3 violations).

Mr. Lombardi made a motion based on the testimony provided today, that Architectural Fireplaces of New England did violate RIGL 28-27-28 "Practices for which a license is required". Mr. Regan seconded the motion. All members voted in favor. Mr. Cronin then made a motion to uphold the fine in the amount of \$2,850.00 per RIGL 28-27-24. Mr. Regan seconded the motion. All members voted in

favor.

7. Steve Tortorelli – Violation # 2721

The next hearing is with regard to Steve Tortorelli. Mr. Tortorelli, RIDLT Board Members Michael Carreiro and Kenneth Aurecchia are present today to provide testimony and are sworn in by the board stenographer.

Mr. Whittaker read the violation: On May 1, 2006, RIDLT Board Member Mr. Michael Carreiro did witness Mr. Steve R. Tortorelli of 15 Westview Drive, Webster, MA performing pipefitting work in Lincoln, RI without a valid RI Mechanical license. This is violation of RIGL 28-27-5.1 "Practices for which a journeyperson or apprentice registration is required".

Mr. Regan made a motion based on the testimony provided today, that Mr. Steve Tortorelli did violate RIGL 28-27-5.1 "Practices for which a journeyperson or apprentice registration is required". Mr. Cronin seconded the motion. All members voted in favor. Mr. Regan then made a motion to uphold the fine in the amount of \$500.00 per RIGL 28-27-24. Mr. Harris seconded the motion. Mr. Carreiro and Mr.

Aurecchia recused themselves from participating in the discussion and voting of this hearing. All other members voted in favor.

8. Ultimate Chimney Sweep – Violation # 2552

9. Ultimate Chimney Sweep – Violation # 2780

The next hearing is with regard to Ultimate Chimney Sweep, Inc. Ms. Julie Mulry is present today to provide testimony and is sworn in by the board stenographer.

Mr. Whittaker read violation #2552: On November 10, 2006, RIDLT Investigator Charles Wright received a complaint from Irene Romanelli of 14 Brown Street, North Kingstown, RI that Ultimate Chimney Sweep did install a defective top mounted damper at the previous referenced address without a valid RI Mechanical license. This is violation of RIGL 28-27-5(a) "Practices for which a master or contractor license is required". Further, no permit was issued by the Town of North Kingstown. This is a violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Mr. Cronin made a motion based on the testimony provided today, that Ultimate Chimney Sweep Inc. did not violate RIGL 28-27-5(a) "Practices for which a master or contractor license is required" or RIGL 28-27-20 "State and municipal inspections and installation permits" therefore the violation be dismissed. Mr. Aurecchia seconded the motion. All members voted in favor.

Mr. Whittaker read violation # 2780: On June 2, 2006, RIDLT Investigator Charles Wright received a complaint from Mr. Clifford Whiting, City of Providence Chief Mechanical Inspector that Ultimate Chimney Sweep Inc., did install a flue liner in Providence, RI without a valid mechanical license. This is a violation of RIGL 28-27-5(a) "Practices for which a master or contractor license is required". Further, no permit was issued by the City of Providence. This is a violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Mr. Cronin made a motion based on the testimony provided today, that Ultimate Chimney Sweep Inc., did violate RIGL 28-27-5(a) "Practices for which a master or contractor license is required" and RIGL 28-27-20 "State and municipal inspections and installation permits". Mr. Carreiro seconded the motion. All members voted in favor. Mr. Cronin then made a motion to uphold the fine in the amount of \$1,000.00 per RIGL 28-27-24. Mr. Regan seconded the motion. All members voted in favor.

10. Energy Efficiency Services – Violation # 2789

The next hearing is with regard to Energy Efficiency Services. Mr. Donald Atkinson is present today to provide testimony and is sworn in by the board stenographer.

Mr. Whittaker read the violation: On June 7, 2006, RIDLT Investigator Edward J. Whittaker did find three employees of Energy Efficiency Services servicing a boiler at Johnson & Wales University, Dorrance Street, Providence, RI without valid mechanical licenses. This is a violation of RIGL 28-27-28 "Practices for which a license is required" (3 Violations).

Mr. Carreiro made a motion based on the testimony provided today, that Energy Efficiency Services did violate RIGL 28-27-28 "Practices for which a license is required". Mr. Regan seconded the motion. All members voted in favor. Mr. Carreiro then made a motion to uphold the fine in the amount of \$1,500.00 per RIGL 28-27-24. Mr. Aurecchia seconded the motion. All members voted in favor.

This concludes today's hearing.

Other Business

Mr. Davies asked the board members if they had reviewed the minutes of the July meeting. Mr. Carreiro asked that the record reflect that he and Mr. Aurecchia did recuse themselves from the hearing on July 5, 2006 regarding Central Mechanical & Contractors LLC, Violation #2722. Mr. Lombardi made a motion to accept the minutes as amended. Mr. Cronin seconded the motion. All members voted in favor.

Mr. Wright introduced Mr. John Nixon who is before the board today to ask for a waiver of apprenticeship based on his work experience so he may sit for the PJ2 examination. Mr. Aurecchia made a motion to allow Mr. Nixon to take the PJ2 examination. Mr. Lombardi seconded the motion. All members voted in favor.

Mr. Wright then introduced Mr. Steve Silva who is before the board requesting a waiver of apprenticeship based on his work experience to sit for the RJ2 examination as well. Mr. Lombardi made a motion to allow Mr. Silva to take the RJ2 examination. Mr. Aurecchia seconded the motion. All members voted in favor.

Mr. Regan made a motion to adjourn at 11:05 am. Mr. Harris seconded the motion. All members voted in favor.

The next meeting of the Mechanical Board is scheduled for Wednesday, September 6, 2006 at 9:00 a.m. in Building 70, second floor conference room. Once again, board members are asked to remain after the regular meeting to conduct examination reviews from the July 2006 testing.